STATE BOARD OF EDUCATION

STATE OF GEORGIA

:

JUANITA BIGGS, ET AL,

:

Appellant :

: CASE NO. 1998-39

:

vs.

:

THE BOARD OF EDUCATION : OF THE CITY OF ATLANTA :

DECISION

Appellee :

Juanita Biggs and Vanessa Jordan (Appellants) have filed an appeal from decisions by the Atlanta Board of Education's Civil Service Commission to suspend them without pay for disciplinary purposes. The Atlanta Board of Education (Local Board) did not conduct a hearing regarding Appellants' complaints. Neither of Appellants was under a contract with the Local Board. Appellants claim that the Civil Service Commission did not have the authority to suspend them without pay.

The State Board of Education has limited jurisdiction under the provisions of O.C.G.A. §20-2-1160 to review the decisions of local boards of education made after conducting a hearing. In the absence of a hearing, the State Board of Education does not have jurisdiction to review the decision of a local board of education. *See, Boney v. County Board of Education of Telfair County,* 203 Ga. 152, 455 S.E.2d 442 (1947). In the instant case, the Local Board did not conduct a hearing. The State Board of Education, therefore, does not have jurisdiction to consider Appellants appeals.

In addition to the fact that the Local Board did not conduct a hearing, the State Board of Education does not have subject matter jurisdiction because Appellants are employed without a contract. The State Board of Education only has jurisdiction to review limited actions taken with regard to employees who have a contract with a local board of education under the provisions of §~ 20-2-940 et seq. See, Henderson v. Fulton Cnty. Bd. of Educ., Case No. 1976-17 (Ga. SBE, 1977).

Because the State Board of Education lacks jurisdiction to consider Appellants appeals, the appeals are hereby DISMISSED.

Mr. J.T. Willi₁ms, Jr. was not present. The seat for the 2nd Congressional District is vacant.

This 12th day of November 1998.

Larry Thompson Vice Chairman for Appeals